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UNCLAS BOGOTA 002563

SIPDIS

STATE FOR WHA/AND - DHENIFIN, SBELL
STATE FOR L/LEI - HCOLLUMS AND GHARRIS
JUSTICE FOR CRM/OIA - MDRODRIGUEZ, TBLACK, AND PJOSEPH

E.O. 12958: N/A

TAGS: [KJUS](#) [KCRM](#) [SNAR](#) [PREL](#) [CO](#)

SUBJECT: Colombia's First Oral Trial

1. On March 11, the first trial under the new Criminal Procedure Code took place at "Paloquemao", the main local judicial district and courthouse in Bogota. A standing-room only crowd of about 60 people watched this historic event, including television and print media and the Deputy Prosecutor General (Vice Fiscal). The case involved a carjacking, with three charges against the accused: kidnapping, aggravated theft, and carrying a weapon without a license. The trial started at 9:00 a.m., finished at 12:30 p.m., and the judge returned his verdict shortly after 1:00 p.m.: guilty on all counts.

2. For a first trial under the new Code, it went remarkably well. While there were certain technical aspects in need of improvement, the proceeding was impressive considering the novelty of such trials. The judge did a very good job presiding, assuming the role of impartial arbiter of fact and law. The prosecutor laid out his case clearly and argued it well. The accused was represented by a private attorney who clearly lacked experience or training in the new Code. The participation of the Office of the Inspector General (Procuraduria) was awkward from an accusatory perspective, as it essentially introduced a third party into an adversarial hearing, with a tremendous potential for disruption and confusion. However, the participation was minimal and the judge controlled it effectively.

3. As with the initiation of the implementation of the new Code in January, this first trial also presented a positive image. The process was orderly, the presentation of evidence took place through testimony in open court through direct and cross-examination, and a decision on culpability was rendered quickly. The judge, prosecutor and (we believe) two of the testifying police officers all received USG training, demonstrating the positive impact of our assistance. Additional issues and problems will no doubt arise as more trials take place, particularly in the presentation of more complex crimes. However, this trial was a good start.

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